

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



October 7, 2004

ALL COUNTY INFORMATION NOTICE NO. I-70-04

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: CALWORKS ELIGIBILITY FOR NONCITIZENS ADMITTED TO THE U.S. UNDER THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT (NACARA) (Public Law 105-100).

REFERENCE: COUNTY FISCAL LETTER 97/98-41 and
COUNTY FISCAL LETTER 97/98-52

This All County Information Notice (ACIN) is to transmit information regarding California Work Opportunity and Responsibility to Kids and Temporary Assistance to Needy Families (TANF) eligibility for noncitizens admitted to the U.S. as legal permanent residents (LPRs) under the Nicaraguan Adjustment and Central American Relief Act (NACARA).

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Public Law 104-193) certain qualified noncitizens are eligible for federally-funded TANF if they have entered the United States prior to the enactment of PRWORA. Qualified noncitizens who have entered the U.S. after the enactment of PRWORA are ineligible for federally-funded TANF for five years from the date they acquired their legal status.

As NACARA was enacted after the PRWORA, the five year period applies to individuals lawfully admitted for permanent residence under NACARA. The five year period starts from the date these individuals acquired NACARA status. Therefore, if otherwise eligible, these individuals are state-only funded cases until the five year period has passed. See County Fiscal Letter (CFL) 97/98-41 for claiming and code instructions regarding assistance payments for noncitizen state-only cases and CFL 97/98-52 for claiming administrative and supportive services costs.

NACARA noncitizens are identified by one of five codes on their I-551 document (Permanent Resident Card). These are codes NC-5, NC-6, NC-7, NC-8 and Z-15. The

NC-5 code identifies an individual admitted to the U.S. through normal immigration procedures under NACARA.

NC-6 identifies an individual granted an adjustment of their status to an LPR under NACARA. NC-7 indicates that the individual is the spouse of a noncitizen with the NC-6 code. NC-8 is the minor child or unmarried son/daughter of the noncitizen with an NC-6 code. The Z-15 code identifies individuals who obtained the status through the courts.

If you have any questions regarding this letter or CalWORKs eligibility noncitizen issues, please contact Shawn Bradley at (916) 653-8395 or by e-mail at shawn.bradley@dss.ca.gov. For questions regarding a noncitizen's immigration status, please contact the United States Citizenship and Immigration Services (formerly known as the Immigration and Naturalization Service [INS]).

Sincerely,
***Original signed by Maria Hernandez for
Charr Lee Metsker on 10/7/04***
CHARR LEE METSKER, Chief
Employment and Eligibility Branch

c: CWDA
CSAC